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August 29, 1995

EX PARTE

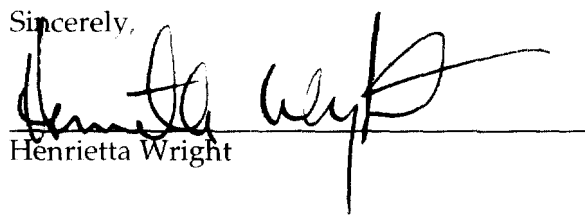
William F. Caton
Acting Secretary
1919 M Street NW, Room 222
Washington, D.C. 20554
Federal Communications Commission

Re: PR Docket No. 93-61

Dear Mr. Caton:

On August 29, 1995, the attached summary of the Part 15 Coalition's position regarding proposed clarifications of the Report and Order in this proceeding was sent to the persons listed below. In accordance with Section 1.1206(a)(1) of the Commission's Rules, two copies of this letter, along with the attached summary, are being filed with the Secretary's Office.

Sincerely,


Henrietta Wright

cc: The Hon. Reed E. Hundt
The Hon. James H. Quello
The Hon. Andrew C. Barrett
The Hon. Rachelle B. Chong
The Hon. Susan Ness
Rosalind K. Allen
Michael J. Marcus
Richard B. Engleman

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EX PARTE

Rosalind K. Allen
Acting Chief, Commercial Radio Division,
Wireless Technologies Bureau
Federal Communications Commission
Washington, D.C. 20554

Re: PR Docket No. 93-61

Dear Ms. Allen:

You have asked the Part 15 Coalition (the "Coalition") to respond to the request for clarification of the Report and Order in the above-referenced proceeding made by various Location and Monitoring Service (LMS) proponents. See Ex Parte Letter from David E. Hilliard to William F. Caton, (filed July 26, 1995) (requesting clarification regarding the emissions mask requirement filed on behalf of AirTouch Teletrac, MobileVision, L.P., PentaPage, and Pinpoint Communications, Inc.), and Ex Parte Letter from David Hilliard to William F. Caton (filed Aug. 21, 1995) (presenting Amtech's position that LMS order should be clarified by allowing the qualified use of non-type accepted equipment, revising the frequency tolerance rules, and revising the restrictions on out-of-band emissions for non-multilateration LMS systems).

The Coalition agrees that clarification of the Report and Order is necessary. Under the grandfathering rules adopted in the Report and Order, the LMS companies have applied for modified LMS licenses covering the major metropolitan areas across the country. The construction deadline next spring applicable to these grandfathered licensees requires that LMS systems must be designed and built out right now.¹ However, due to the complexity of the issues raised in the petitions for reconsideration, and the number of parties participating in the proceeding, it is likely that a decision on reconsideration in this matter will not be reached for several months. Thus, it is important that, in the interim, the rules applicable to grandfathered systems are clarified before these systems become operational.

Although the Coalition agrees that clarification of the rules is necessary as an interim matter while reconsideration is pending and grandfathered stations are being constructed, the need for clarification is not limited to the emissions mask or frequency tolerance requirements².

¹ Additionally, there is a category of grandfathered licenses which, if already constructed and placed in operation by February 3, 1995, is allowed to continue to operate those systems until April 1998.

² The Part 15 Coalition would like to make two points relating to the emissions mask issue: (1) the request from the LMS proponents is really not a request for clarification because the Rule is very clear -- what is requested is a rule change; (2) Parties commented on this issue in Oppositions to Petitions For

There are four additional issues raised by the Report and Order that must be clarified so that grandfathered systems are constructed in accordance with the new rules. For the few systems that are already constructed, clarifying that they are subject to the new rules in these instances, which do not involve change of bands utilized, would not be an undue hardship.

First, the Commission should clarify that devices operating in accordance with the criteria in the new Section 90.361 are presumed conclusively *not* to cause harmful interference to LMS systems grandfathered under Section 90.363, whether constructed as of February 3, 1995, or not. No rationale has been offered that justifies excluding grandfathered LMS systems from these provisions. Indeed, the most immediate need for protection against claims of interference is from grandfathered LMS licensees, as rapid build-out can be expected by operators attempting to satisfy the new construction requirements.

Second, in order to provide a check on the deployment of LMS systems that cause unacceptable levels of interference to Part 15 technologies, the field tests that are required under the rules must be made expressly applicable to grandfathered systems. There is no reason to allow new systems to be constructed and operated until April 1998 under circumstances that would not be acceptable for the newly-auctioned MTA systems.³ In addition, the testing rules should be clarified so as to include procedures that will ensure that test parameters are reasonably uniform and that the testing covers a reliable sample of Part 15 technologies available in the marketplace. If necessary, the actual procedures could be determined in the reconsideration order, and these procedures are not necessary in order for an LMS system to comply with the April 1, 1996 construction deadline. The Commission can count on the Part 15 Coalition's full cooperation in developing and administering these tests.

Third, the Commission should clarify that the power limits of § 90.205 apply to grandfathered LMS systems, including those employing wideband forward links.⁴

Fourth, the FCC should clarify in § 90.353 of the rules that LMS is a restricted service and not a general messaging service. In this regard, it should also clarify that it intends the LMS providers' authority to interconnect to the Public Switched Network to be strictly limited to

Reconsideration (*see, e.g.*, Oppositions of the Part 15 Coalition, TIA, and Metricom) and although the Coalition may not be opposed to change in the emissions mask rule, it does not believe that adequate rationale for modification of the Rule has been provided; in addition, if another Part 90 or Part 94 standard is adopted, such standard should be adopted *entirely*, without modification, to assure the "cleanest" possible band.

With respect to the out of band emissions issue raised by Amtech, the Coalition notes that there are very strict limitations on out of band emissions for the 902-928 MHz band (*see, e.g.*, §§ 15.209) because such emissions fall within certain restricted bands of operation. In addition, the Amtech formula for out of band emissions, as presented in the *ex parte* filing, is meaningless because it fails to provide sufficient information. For example, Amtech does not specify in the formula whether (P) is in watts or milliwatts, and nor does it specify the measurement bandwidth.

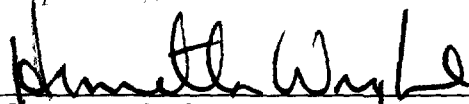
³ This is especially important if LMS systems are using a wideband forward link, with which Part 15 companies have not had field experience, but which has the most serious potential for causing interference.

⁴ The Coalition continues to urge the FCC on reconsideration to prohibit wideband forward links entirely, as no need for them ever has been established and they pose potential interference problems for Part 15 technologies.

"true" emergencies (with the responsibility on the service providers for user compliance, as indicated in ¶ 23 of the Report and Order), and to store-and-forward service that is not a substitute for real-time interconnected service. To the extent that the Commission will have to work out additional technical details to enforce this provision as suggested in the Coalition's Petition for Reconsideration, it should clarify to the LMS companies that it is contemplating doing so.

In short, the FCC should not grant any of the pending applications for modified licenses of the multilateration LMS companies until it determines how the above four issues apply to that important group of licensees. Although there remain other issues to be dealt with on Reconsideration, the Commission staff seems confident that these issues will be resolved before LMS systems become operational, and that they need not be dealt with in the proposed clarification. In that case, it is important that any modified licenses granted state on their face that the authority granted therein is subject to revision pending resolution of the Petitions for Reconsideration. Such clarification will serve to assist LMS operators in designing and building their systems, while minimizing the chances of investment in facilities that would not comply with final Rules.

Respectfully,



Henrietta Wright
Attorney for The Part 15 Coalition

cc: The Hon. Reed E. Hundt
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